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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

IN RE ALLEGIANT TRAVEL CO.
STOCKHOLDER DERIVATIVE
LITIGATION

Case No: 2:18-CV-01864-GMN-CWH

(To be related to Case No. 2:18-CV-01758-APG-PAL)

**JOINT STIPULATION TO RELATE CASES
AND REASSIGN CASE TO THE
HONORABLE ANDREW P. GORDON;
[PROPOSED] ORDER**

Consolidated Complaint Filed: April 8, 2019

WHEREAS, on April 24, 2018, Daniel Checkman filed the Class Action Complaint in *Daniel Checkman v. Allegiant Travel Company, et al.* (Case No. 2:18-cv-01758-JFW-AS) (“Checkman”) in the U.S. District Court for the Central District of California (the “Central District”), alleging violations of Sections 10(b) and 20(a) of the Securities and Exchange Act of 1934 in connection with the Defendants’ statements concerning Allegiant’s alleged safety practices;

1 WHEREAS, on July 20, 2018, Charles Blackburn filed the Shareholder Derivative Complaint in
2 *Charles Blackburn v. Maurice J. Gallagher, Jr., et al.* (Case No. 2:18-cv-06296-GW-SSx) (“*Blackburn*”)
3 in the Central District, alleging violations of Defendants’ fiduciary duties as members of Allegiant’s Board
4 of Directors and alleging conduct that overlaps factually with the allegations in *Checkman*;

5 WHEREAS, on September 11, 2018, the Honorable John F. Walter of the Central District issued
6 an Order in *Checkman* granting the parties’ joint stipulation to transfer venue to the U.S. District Court for
7 the District of Nevada (the “District of Nevada”);

8 WHEREAS, on September 11, 2018, *Checkman* was assigned to the Hon. Andrew P. Gordon;

9 WHEREAS, on September 26, 2018, Mark Fullenkamp filed the Shareholder Derivative Complaint
10 in *Mark Fullenkamp v. Maurice J. Gallagher, Jr., et al.* (Case No. 2:18-cv-01864-GMN-CWH)
11 (“*Fullenkamp*”) in the District of Nevada, alleging violations of Defendants’ fiduciary duties as members
12 of Allegiant’s Board of Directors and alleging conduct that is factually and legally related to the allegations
13 in *Checkman* and *Blackburn*;

14 WHEREAS, on September 26, 2018, *Fullenkamp* was assigned to the Hon. Gloria M. Navarro;

15 WHEREAS, on October 10, 2018, the Honorable George H. Wu of the Central District issued an
16 Order in *Blackburn* granting the parties’ joint stipulation to transfer venue to the District of Nevada;

17 WHEREAS, on October 12, 2018, *Blackburn* was assigned to Judge Gordon;

18 WHEREAS, on December 23, 2018, the parties in *Fullenkamp* and *Blackburn* filed a joint
19 stipulation to consolidate the two derivative actions;

20 WHEREAS, on January 8, 2019, the Defendants in *Checkman*, *Blackburn*, and *Fullenkamp* filed
21 three Notices of Related Cases to relate *Checkman*, *Blackburn*, and *Fullenkamp*;

22 WHEREAS, on January 8, 2019, *Blackburn* and *Fullenkamp* were consolidated as *In re Allegiant*
23 *Travel Co. Stockholder Derivative Litigation* (Case No. 2:18-cv-1864-GMN-CWH) (the “Consolidated
24 Derivative Action”) and reassigned to Judge Navarro;

25 WHEREAS, on April 8, 2019, the Plaintiffs in the Consolidated Derivative Action filed a Verified
26 Consolidated Stockholder Derivative Complaint;

27 WHEREAS, in *Checkman*, Defendants’ motion to dismiss is fully briefed;

28 // /

1 WHEREAS, on May 13, 2019, in the Consolidated Derivative Action the Court granted the parties'
2 joint stipulation for a limited stay of proceedings pending Judge Gordon's ruling on the motion to dismiss in
3 *Checkman*;

4 WHEREAS, the Court has not yet ruled on the Notices of Related Cases filed on January 8, 2019;

5 WHEREAS, the Plaintiffs in the Consolidated Derivative Action agree that the action contains
6 factual contentions that overlap with the allegations in *Checkman*, and the administration of justice would
7 be best served by having the same judicial officer — Judge Gordon — assigned to both *Checkman* and the
8 Consolidated Derivative Action;

9 WHEREAS, this stipulation is not a waiver of any of the parties' rights, remedies, claims, or defenses.

10 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, and upon approval and
11 entry by the Court shall be ORDERED, as follows:

12 1. Pursuant to the Court's approval, *Checkman* and the Consolidated Derivative Action shall be
13 deemed related.
14 2. Pursuant to the Court's approval, the Consolidated Derivative Action shall be reassigned to
15 Judge Gordon.

16 **IT IS SO STIPULATED.**

17 DATED this 5th day of August, 2019.

GREENBERG TRAURIG LLP

19 By /s/ Jacob D. Bundick

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27 *Counsel for Defendants*

1 DATED this 5th day of August, 2019.

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IT IS SO ORDERED this _____ day of _____, 2019.

The Hon. Andrew P. Gordon
District Court Judge

The Hon. Gloria M. Navarro
District Court Judge

ATTESTATION OF COUNSEL

I, Jacob Bundick, am the CM/ECF user whose ID and password are being used to file this Joint Stipulation to Relate Cases and Reassign Case to the Honorable Andrew P. Gordon. Pursuant to Local Civil Rule 5-1(i)(3), I hereby attest that Benjamin I. Sachs-Michaels, on whose behalf this filing is jointly submitted, has concurred in this filing.

By /s/ Jacob D. Bundick
Jacob Bundick

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of August, 2019, a true and correct copy of the foregoing **JOINT STIPULATION TO RELATE CASES AND REASSIGN CASE TO THE HONORABLE ANDREW P. GORDON; [PROPOSED] ORDER** was submitted for filing with the Clerk of the Court using the Odyssey eFileNV Electronic Service system and served on all parties with an email address on record, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R.

The date and time of the electronic proof of service is in place of the date and place of deposit in the U.S. Mail.

/s/ Andrea Flintz
An employee of Greenberg Traurig, LLP